

**LAW OFFICE OF
DONALD J. WEISS**
747 Third Avenue, Suite 1101
New York, New York 10017
212-967-4440
Fax: 212-380-9561
DJWLAW@MINDSPRING.COM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: March 14, 2016

March 11, 2016

MEMO ENDORSED

VIA ECF and EMAIL
Honorable Katherine Failla
United States District Court
Southern District of New York
40 Foley Square Room 2103
New York, NY 10007

Re: Jessica De La Rosa V. Aura, LLC d/b/a Mickey Spillane's and 350 West 49th Street
Limited Partnership
Case # 15 CV9943

Dear Judge Failla:

I am the attorney for the plaintiff in the referenced matter. An initial case management conference is scheduled on March 18, 2016 at 3:00 pm. This letter is submitted in accordance with the Court's rules. As of today, neither defendant has appeared in this action. I requested and obtained a Certificate of Default against both defendants on March 8, 2016.

I recently received the conference order I had mailed to the defendant landlord back from the post office, marked "no such number". I have determined that the landlord has an old address for the entity who accepts their service of process listed with the Secretary of State. I have since researched the designated entity for process and have mailed a letter and your conference order to what I now believe is the current address. I intend to also mail the default certificate today.

I am also mailing the Certificate of Default directly to the restaurant rather than the address defendant Aura, LLC has registered with the Secretary of State, in case it also failed to update the address with the State.

Although I have properly served both defendants via the Secretary of State, as required, I believe it may be appropriate to further attempt to reach the defendants before proceeding further

Honorable Katherine Failla

March 11, 2016

Page 2

with the default. With the Court's permission, I would like to hold off on filing a motion for default judgment to allow time for defendants to receive the latest mailings and obtain counsel. In any event, as neither defendant has appeared to date, I request an adjournment of the upcoming conference. I ask the Court's tolerance in allowing me time to ensure all efforts are made to make defendants aware of the instant action against them.

In the event neither defendant has appeared by April 1, 2016, I will so advise the Court by a status letter and move forward with the appropriate motion for default judgement in accordance with the Court's prescribed procedure.

Thank you for your kind consideration in this matter.

Very truly yours,

Donald J. Weiss

Plaintiff's request for an adjournment is GRANTED. The initial pretrial conference is hereby ADJOURNED sine die. Plaintiff must submit a letter to the Court by April 1, 2016, informing the Court of its attempts to contact and serve Defendants. In addition, Plaintiff must serve this Endorsed Letter on Defendants.

SO ORDERED.

Katherine Polk Failla

Dated: March 14, 2016
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE